

Meeting of 1997-4-10 Special Meeting

MINUTES

LAWTON CITY SPECIAL COUNCIL MEETING
APRIL 10, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Sandra Rench, Deputy City Clerk

The meeting was called to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

Present: Jody Maples, Ward One
Richard Williams, Ward Two
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles P. Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight
John T. Marley, Mayor

Absent: Joe Dutcher, Ward Three

BUSINESS ITEMS:

1. Consider adopting an ordinance relating to animals, amending Chapter 5, Lawton City Code, as amended by Ordinances 95-26 and 96-20. EXHIBITS: MEMORANDA TO MAYOR AND COUNCIL DATED MARCH 13 AND 21, 1997.

Schumpert said staff found that it had been many years since this Chapter had been addressed and as they looked at the changes determined the best approach was to revise, review and recommend changes for the entire Chapter. Mr. Mike Shaw is over the Animal Welfare Division and is present to review the changes and the reasons for the changes.

Shaw acknowledged the efforts and time spent on the revisions of this ordinance by staff members, Mickey Crestmen, who was the Animal Welfare Supervisor until last June, Rose Wilson, the present Supervisor and Felix Cruz. He said those staff members and himself have spent many hours in discussions and he appreciated their efforts during this process. The Animal Welfare budget is approximately \$320,000, they generate approximately \$20,000 to \$25,000 in revenue during the year from license, spay and neuter fees and fines, so therefore, if they take the actual revenue generated by the Animal Welfare Division and subtract that from their budget it costs the City approximately \$290,000 to \$300,000 a year to administer the operation of the Division with 10 people who do an outstanding job. He said he provided the City Council a memorandum on March 21, concerning a meeting he had with some citizens on March 20; and corrected the number of animals authorized for Oklahoma City which he had listed as four dogs and cats, Oklahoma City actually authorizes four dogs and four cats.

Shaw reviewed the Summary of Changes for Chapter 5 and said he will review the change, note the location of the change in the Code and explain why they are making the recommendation.

Purcell asked if Shaw is going to refer to the line number in the new ordinance as he goes through it.

Shaw said he will reference the location of the summary item by page and line in the new ordinance provided with the Agenda Item.

Shaw reviewed the definition for abandonment, located on Page 1, referenced on Page 16, beginning on Line 13.

Beller said "if the animal welfare officer determines that the animals life is in immediate danger" and asked what immediate danger means.

Shaw said it means that the animal doesn't have any food or water or it is apparent that it hasn't had any food or water for a number of days. He said if that situation arises they will give them food and water and will leave a door knocker and hopefully the resident will come home and take care of the animal. He said if they go back in 24 hours and the owner is still not there and they still can't locate them, they will wait another 48 hours and will not take that animal. If the life is in

danger, if it looks emaciated or really in bad shape they will immediately take it to the kennel.

Beller said beauty is in the eyes of the beholder, one person may look at it and determine that the animal's life is not in immediate danger and someone who is a bit over zealous in their efforts to perform their duties may believe it is in danger and will take it immediately.

Shaw said it is a subjective call on the animal welfare officer, all the officers are trained, have gone to the national academy and therefore, he thinks they have a good knowledge if something is in immediate danger. They will try to make contact with the owner if at all possible.

Williams asked if it would be prudent to identify what is meant by immediate danger, possibly a definition.

Beller asked if emaciated sounds logical, if you see an animal that is emaciated it is obvious that the animal has been abused or mistreated but if it's a healthy looking animal how can you determine if the animal is in danger.

Purcell said they would leave it up to the animal welfare officers.

Shaw said Tony Lopez, Animal Welfare Officer, has told him that if it is in immediate danger, in their opinion where it appears a dog may die within four to six hours, they normally use four hours, they will take it to a veterinarian and have the animal checked out. He said you pretty much have to leave it at the discretion of the animal welfare officer.

Williams asked who pays for taking the animal to the veterinarian. Shaw said if they can identify the owner the owner will pay the bill and if they do not, since the City seized the animal, the City will have to pay bill but this is done for a humanitarian reason.

Beller said they discussed a change on Page 3, line 40. Shaw said he will make that change, on the summary of changes he didn't include every single change that is being recommended to the ordinance for discussion purposes because they would be there all night.

Beller said if he was willing to set there all night in order to know what the changes are and the purpose of the ordinance, if they are not being told what all the changes are, what are they at the meeting for. Shaw said Council agreed on the 20th that they would change the physical appearance and that is the only other change in the Code that you do not know about that isn't in your Code. Beller asked if they are changing that. Shaw said yes they are.

Schumpert asked what the change is that is being referred to. Shaw said on line 40, Page 3, the definition of dangerous animal "Any animal because of its physical nature or vicious propensity" a question was raised in regard to physical nature and that is a subjective call. He said you can go up to a German Shepherd and because of its physical nature, to him it may mean it would be dangerous and to another person it may be docile but because of that subjectivity he agreed to remove physical. The item will then read "Any animal which because of its nature or vicious propensity" the word physical is being eliminated.

Cruz said the definition of "Vicious animal" or "dangerous animal" is not pertaining to dangerous dogs because there is a definition of dangerous dog at another location. The dangerous dog provision is on Page 18 and is Statutory language under Title 4; Page 3 is any animals other than dogs.

Shaw reviewed the definition of "at large" or "running at large" and "confinement" on Page 1 of the ordinance, definitions 5 and 6. Confinement includes a fenced yard. He said an example of that is on Page 11, Line 25, of the ordinance which is highlighted. He said they get several calls every day from citizens of a dog running loose in the neighborhood, the dog will be sitting on the front porch of a house which is considered private property and have to assume the dog lives at that house. He said presently they can't physically remove that dog, however with the change, they will assume if it is not inside the house, under control of a person or behind a fence that it is running at large and can confiscate and impound the animal.

Shanklin asked if for example, a dog is outside with its owner who may be working on his car and someone comes running down the street or on a bicycle and the dog leaves the grounds and creates a problem, leaving that property, it is fair game to be picked up even if he goes back.

Shaw said if the animal goes back and the owner or a responsible person, someone 18 or older, and the dog is running loose and it is on the porch they are going to consider it as running at large and will impound him.

Shanklin said his scenario was where the owner is in the yard, the dog leaves the yard and may create a scene, but eventually goes back and they get a call about a dog running loose under an owner that is 18 years or older.

Shaw said it wouldn't be a problem if a person claims the dog or a person tells them they will take responsibility for the dog because they know the owner, they will not impound it and that is also covered in the ordinance.

Schumpert said if this dog attacks someone or chases kids and the owner is there, they would expect the complainant, since the owner is present, to sign a complaint because it is incumbent on the individual who had the problem to file a complaint in Municipal Court. He said if the dog is out and runs back to a house and is just laying on the porch heretofore

they couldn't do anything because they had to presume that dog belonged to that house, however now, if nobody is around they would actually impound that dog and take some action to remove the dog from that situation.

Shanklin said that would be at the animal control officer's discretion.

Beller asked if there wouldn't be a problem legally with the use of the word presumed if they are presuming that the animal is doing something.

Cruz said the presumption arises based on what has been seen and reported by some individual or the animal control officer that these things are happening therefor it is presumed that it is running at large.

Beller asked if someone calls and the animal control officer gets there and no one is present to talk to and the animal control officer observes the dog on the porch is he just going to presume that the dog lying there is running loose, does he make that presumption on his own.

Cruz said yes, based on the fact that it is the description of the dog and where it is at.

Green said in Ranch Oaks there are seven Rottweilers that frequently get out, they have been cited twice and the ordinance says the owner will be cited and go to Municipal Court and asked how many times the owner can be cited because they have been out five times.

Shaw said as far as he knew it is unlimited, they had a call on the same dogs today. Green said they were out on Sunday also. Shaw said they run back onto Indian land.

Cruz said the presumption is rebuttal, for example, if it goes to court, the owner can rebut the presumption and that gives the owner an ability to prove their case before the judge.

Shaw referenced the next definition A.7 cruelty, which is on Page 16 with the abandonment and reviewed the definition.

Green said there was a Doberman that had a dog house and water but there were no trees or house shade, the temperature got up to 101 and the only shade the dog had was the dog house. She said they couldn't be cited because they weren't in violation.

Shaw said under the present Code that is correct because it doesn't provide for shade, but they have included in the Code that they must be provided with shade.

Mayor Marley said there is shade in the dog house. Shaw said they have to have shade outside. Mayor Marley asked if they were going to make people plant trees. Shaw said a lean-to or dog house, something that will provide shade.

Maples asked if the dog was ever in the house. Green said no, it is an outside dog and she received a lot of calls on it and they couldn't do anything.

Mayor Marley said he didn't understand Shaw's response because shade in a dog house is shade. Shaw said if there is a dog house it doesn't really matter, he can't imagine there not being any shade in the dog house.

Shaw said Rose Wilson told him that if a resident has a run and it just has a dog house that isn't adequate shade and they would have to put up a tarp or shield of some sort. With the addition of shade they can site them now and they would be required to provide adequate shade.

Maples said they are already having problems with the interpretation of the Code and what is going to happen when others try to interpret the Code when you try to enforce it.

Cruz asked if Shaw is referencing the interpretation of what shade is. Shaw said Green asked about a shade provision because of a call she had of cruelty to an animal not having any shade and they couldn't do anything about it because there were no provisions for shade.

Cruz said because of this concern they need to define adequate shade.

Beller said there is a reference in the Code on Page 17 on enclosure in regard to height and shade and it is referencing something other than a dog house.

Green said it is also referenced on Page 16, line 39.

Purcell asked what adequate shade is, the example provided was that if he had no dog house and bought a dog house the dog would now have adequate shade; but what he understands from Shaw is that if he has a dog with a dog house and it is 105 you need more shade than that. He said he agreed but there is the argument as to whether a dog house provides adequate shade, it doesn't make any sense and they are never going to get there.

Cruz said they need to define adequate shade.

Shaw said the keeper definition Page 20, line 23, for dangerous dogs was modified from 16 to 18 years of age and read 5-2-203.A.

Maples said her 16 year old son wouldn't be able to walk their dog. Shaw said only if the dog has been declared a dangerous dog because this pertains to dangerous dogs which is defined on Page 18, line 37.

Maples asked if these dogs are ruled in court to be dangerous or is there some record indicating it is dangerous.

Shaw said no, if they make the determination that a dog has attacked a human being or another animal unprovoked there are certain provisions for confinement, physical control by someone at all times and insurance for the dog.

Maples asked if her 16 year-old son is walking her Rottweiler with her 7 year-old daughter and another dog comes up and attacks her children, and her dog protects her children he wouldn't be determined dangerous because he was provoked.

Shaw said if he was provoked he will not be declared dangerous; it is only if it were unprovoked.

Maples asked if you have to have insurance once the dog is ruled dangerous. Shaw said yes and a sign has to be posted on the fence or house of a dangerous or vicious dog.

Cruz said he has had several phone calls from owners of dogs on the insurance issue, that is a State law requirement and the provision on dangerous dogs in this ordinance is almost a mirror image of the State law.

Purcell asked if the city declares the dog dangerous can the dog only be walked by 18 years old or older and before the City declares it a dangerous dog, a person any age can walk the dog, is that how they know it is a dangerous dog. Shaw said that is correct.

Schumpert said before it can be declared a dangerous dog it has to do one of the stipulations on Page 18.

Purcell said if a dog is out and attacks another dog unprovoked right then he is a dangerous dog but no one knows about it and the next day a 16 year-old is walking that dog, it's not dangerous because they haven't declared it dangerous, is that correct. Shaw said yes, if the City is notified of an incident where it has attacked or bitten someone they take the report and go through the proper procedures to classify it as dangerous.

Shaw reviewed 5-114A.3 and said in 1995 the City took the responsibility for issuing permits from the Health Department so therefore this is a housecleaning issue.

Maples said once they declare a dog dangerous, are they going to give the owner a permit to walk this dangerous dog. Shaw said you won't have to have a permit to walk the dog. Maples asked how they are going to know if a dog is dangerous to stop and see if they have a permit to walk the dog or not. Shaw said they will have a record of any dog that has been declared as dangerous and the neighbors are going to know because of the signs on their fence or house. He said if a citizen sees someone walking this dog and know or feels the dog is dangerous they can call and the Staff will check and make sure the person is 18 years old or older. He said unless they get a call they won't know whether a 14 year old is walking the animal; the owner will know that no one under the age of 18 is allowed to walk the dog and if they are found to be in violation they can be cited, but there is no way to really check it unless someone calls.

Shanklin said in order to eliminate that if the dog has been declared that violent, he shouldn't even be allowed out of his domain, his back yard, period unless he goes straight to a vehicle. He asked why they should have a dangerous animal and if you have a dangerous animal, that is your problem, but you are not going to infringe that on the rest of the citizens by taking him for a walk or whatever.

Schumpert said the Animal Welfare people are faced with what could be considered akin to a Highway Patrol Officer enforcing the revocation of a driver's license. They would have no way of knowing a license was revoked unless they had to stop you and the penalty would be more severe. He said if a person has been put on notice, has met all the requirements, including having an approved muzzle and then lets a 14 year old walk the dog and it does something to someone, that person would be in serious trouble with the City and a civil suit with the other party because the animal had been declared dangerous and he was on notice that it was dangerous.

Shanklin said if they have that dangerous an animal it shouldn't be allowed out of the back yard. Schumpert said that is another option. Shanklin asked why they would put everyone else at risk.

Shaw said they would have to have a muzzle.

Cruz said this language is taken from the State law which provides that it is unlawful for a dangerous dog to be outside the enclosure without being on a leash and under the responsibility of a responsible person but they can be more strict than the State law because there is no prohibition on that.

Shanklin asked what would happen if they said that, he would like to see them entertain that thought and whenever the people in the audience come before them they can voice a difference of opinion but he doesn't want to live beside an animal that is considered that dangerous because it can get out a dozen different ways.

Williams said he agrees to a point but if the animal is muzzled he wouldn't have a problem with it, they allow 16 year olds to drive a car on the streets of the City and sometimes he doesn't see that this would be any more dangerous and doesn't know if it would be a big issue or not.

Shanklin asked what happens if a 14 or 15 year old is walking a dog without a muzzle and someone sees him and knows it's supposed to be muzzled and calls in and by the time the ACO gets there the animal is back in the yard, now what do you do; that would be eliminated if you can't take him out of that back yard unless you take him to your car and leave the City limits.

Shaw said the City at the present time does not have any dogs in the City of Lawton declared dangerous or vicious.

Shanklin requested they go on.

Shaw reviewed the definition for "Run" on Page 3 and referenced on Page 17 which changes the amount of space required within a yard for exercise to 150 square feet because in their opinion 100 square feet is not adequate.

Maples asked what the American Kennel Association (AKA) requires. Shaw said he didn't know. Maples said she can't see them being more stringent than the professionals' in this area, they don't want more than the AKA when they are the experts and the City shouldn't exceed their requirements.

Shanklin asked why they are changing this part. Shaw said they can leave it at 100 square feet if they want.

Schumpert said he thinks Council is requesting the same standard as the AKA and if the AKA has a standard what is it. Shaw said he doesn't know but they can put the AKA standard in the ordinance.

Maples said the staff is coming to the Council and doesn't know what the professional standards are. Shaw said this does not pertain to a kennel, it pertains to a run, it's different.

Maples asked what is required of kennels where animals are stored. Shaw said that is a different story, normally if you go away you store your animal with a veterinarian in a kennel and they have dog runs but the dog kennel for a veterinarian does not have to comply with this code, they are not under this.

Maples said the veterinarian's runs meet the AKA requirements which is less than ours and we are asking them to open the same type of business and be more stringent than the professionals that oversee that type of business.

Schumpert said Maples is requesting the same standard as the AKA requires.

Mayor Marley said they can find out what the standard is and pick up the same standard.

Shaw said the next item is the small animal definition which now includes pot bellied pigs and was approved by the City Council.

Beller said under the small animals they deleted guinea pigs and modified small animals to include pot bellied pigs. Shaw said he doesn't know why guinea pigs was in there to begin with. Beller asked why they left hamsters in there. Shaw said they can take hamsters out too.

Beller said this is the whole point, they are trying to iron out an ordinance being brought to them and no forethought was put to this at all when they scratch guinea pigs but leave hamsters; and have pigeons except homing pigeons and there may be a difference but he doesn't know what it is but yet they scratch guinea pigs and leave hamsters and there probably isn't any difference between the two.

Mayor Marley asked if Beller would like to scratch guinea pigs and hamsters. Beller said no, he would like them to bring the ordinance back in a reasonable form.

Mayor Marley said if that is the case, if they are going to sit here all night nit-picking items, they have a lot of delicate items because if they want the ordinance redone they need to send it back to staff and ask them to redo it and bring it back. There is no sense in going through all this and then have to go through it again. He said if they feel that strongly about it he would like a motion to suspend it, give it back to the staff, have it redone and then bring it back to the Council.

Maples said they need some input on what the people would like to see in the ordinance.

MOTION by Shanklin, SECOND by Maples, to suspend this and open up a public hearing.

Shanklin said he would like to hear what the people have to say and then go into this and transfer the knowledge staff provides, the knowledge they have, give it to staff and then look at it. He said he wanted to hear from Dr. Kiehn, the ACO's, the people that work at the shelter and then look at this thing.

Beller asked what the motion is.

Shanklin said the motion is to table any further discussion of this ordinance until they have listened to what the people in the audience have to say and their concerns of this ordinance because they have probably read it more than the Council has in detail, and then go into their discussion.

Beller said he concurred.

VOTE ON MOTION: AYE: Williams, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

Mayor Marley asked if the Council would like to hear from the Animal Control people first or the audience.

Maples said she would like to hear from Dr. Kiehn.

Mayor Marley said if they open it to Dr. Kiehn they have to open it to all the audience.

Cruz said for the benefit of the Council and the audience, 98% of the animal code they are looking into has been in effect since 1970 and may be where the guinea pigs and hamsters came in. He said several years ago there was a committee created with 8 or 10 members and most of the recommendations they made were included in the code so they are reviewing what has been in existence and has been refined on a recent basis.

Mayor Marley opened the public hearing and asked anyone desiring to speak to the Council on this issue to come forward, to restrict their comments to 3 minutes and that if the people following don't repeat the same item and if they have something new would like to hear from them.

Beller asked about the legal issue, if they can have a public hearing. Cruz said what the Mayor meant was that he would allow the audience to speak and provide information to the Council.

Cheryl Schmidt said she and her husband have Cairn Terriers which they show at championships and breed. She said they don't over breed, sell to appropriate people and are very careful in taking care of their dogs. The dogs have been a big concern for them since they started doing this about 8 years ago. When they breed they have to keep their puppies until they are about a year old because they have to make sure they have the right confirmation and if they are show worthy they want to keep them because they are worth money; if they aren't, they sell them. She said in the past she has had the puppies and broke the law because they kept the puppies until they were about 9 months old and they plan on doing it again sometime in the future. She said she didn't like breaking the law but it is difficult for someone who is responsible. They also don't spay or neuter their dogs because of this fact. They keep them under control and watch them and if they accidentally get out she shouldn't have to pay any more to get her animal out than those people who are not responsible who just let their animals run all over the place, don't care or dump them. She said she didn't mind paying for registration of her dogs but to have to pay so much for them is terrible, the dogs she has now have the life membership. The City is hurting those who are responsible in an attempt to get to those who are not responsible by charging such large fees and by the number of dogs she can have.

Williams asked Ms. Schmidt an estimate of how many puppies their dog may have.

Schmidt said her dog had 5 the last time and it is anywhere from 1 to 5 in the Cairn Terrier. She said there are some owners that have big dogs and doesn't know how many they may have but they are just as responsible as she is and knows of some who have wooden fences so they can't tell how many they do have but right now she has only 3.

Williams asked if her animals are inside or outside.

Schmidt said they are inside, they keep them inside and have runs in their door, a little run in one wall and have a separate run inside the fenced yard.

Williams asked if they normally have up to 5 puppies and not two pairs with up to 10 puppies.

Schmidt said she has had 3 dogs for several years, they have a real good championship pedigree bloodline which is in the Cairn Terrier book and is why they would like to pass the name on.

Purcell said if everyone was as responsible as Mrs. Schmidt and some of the other people in the audience they could take the ordinance and throw it away, the problem is there are a lot of people that are not responsible and therefore they have to have the ordinance for all those people who are irresponsible and it impacts on the others.

Schmidt said those people that are irresponsible are not going to pay to register their dogs, they are not going to pick up their dog when it gets picked up where she would pay the \$135 or \$150 if she had to.

Purcell said that is being changed but if everyone were like her they wouldn't need the ordinance and the ordinance isn't for people like her in the number of dogs it impacts.

Schmidt said if he saw her outside with her three dogs plus the puppies, which could be 6 or 9 months old, running around in her back yard out of the run, because she doesn't have a wooden fence, he would call and she would be ticketed. She said she wanted to stay within the law and if there was a deal with 3 animals for people who don't want to have a kennel; because she doesn't want to be required to have a concrete run and the things defined by a kennel, she wouldn't mind

paying for a permit to have a litter. She said she knows of people who have other animals besides dogs.

Mayor Marley asked if Schmidt had a number to recommend.

Schmidt said it is difficult to say but would say at least 8 to 10 for a litter, if you have a litter you aren't going to keep that litter all the time, you are going to keep some of them, take them to the championship and sell them.

Purcell asked what if the ordinance said you could only have 3 and you could apply for a kennel license without being required to have all of the other stuff allowing 10 dogs, if Schmidt would have any problem with that.

Schmidt said no, but there was a group that wanted them to have a concrete run, etc. and she has her dogs in her house and lives there.

Maples said she would have to have a kennel license. Shanklin asked if Schmidt has a kennel. Schmidt said no, she has 3 dogs.

Shanklin asked if her dogs are registered with the AKC and if she has a kennel. Schmidt said they do have that and call themselves the Bear House Kennel.

Shanklin said he is trying to separate those in her category from those that just have 8 or 10 back yard dogs.

Schmidt said she wouldn't mind having a restriction for AKC dogs because you have to have AKC to show them.

Shanklin asked if AKC has a registry itself that says she is a part of it. Schmidt said yes and has tattooed it on her dogs plus has a special chip in their back.

Shanklin asked if in order to have AKC registration they have to be certified and verified that they do have a certain animal. Schmidt said to be registered AKC it is a special permit that is filled out and sent back to them, it is on record for anyone to see and if she were at a show in Dallas and were to lose her dog anyone who found her dog could find out that she was the owner of the dog by the tattoo.

Shanklin asked if she is recognized somewhere other than Lawton, Oklahoma. Schmidt said yes.

Shanklin said there are people that are recognized elsewhere and they are penalizing the people that take care of their animals if they make it \$200 a year for them to do this and understands and doesn't want to do that but doesn't want to have a back yard full of dogs by everybody who wants them.

Schmidt said when she had all those puppies she only let a few out at a time so they weren't a nuisance to the neighborhood.

Beller said Wichita Falls has a hobby breeder permit and they should ask Mr. Shaw to look into that because they may be able to get some information there.

Shaw said Wichita Falls does have a hobby breeder permit where the citizens can have four adult dogs or cats over the age of 6 months and there is no limit on animals under the age of 6 months which allows for litters which need to be disposed of by the time they reach 6 months of age. He said they can have more but they have to register them with the City.

Tamara Watson said she thinks it should be on an individual basis because she has seen people with one dog with a yard that looks like trash and then there are people who have 3 dogs and their yards are immaculate. She asked why they should be penalized because someone else doesn't want to take care of their dogs.

Bill Koch, 7210 SW Oxford, said he and his wife show and do obedience training with their dogs as a hobby throughout the nation, have the number 1 German Shepherd champion male in the state and has placed in the top 30 in the nation. He has another dog that is a son of a 3 time select national champion. His intent in being present is to inform and ask the City Council to work with them to make things more positive in the City. The ordinance was developed by staff which included VAPS and the City Attorney without any public input or input from the Sprucewood Training Association, the Lawton Ft. Sill Kennel Club or any other organization. He said they were told two veterinarians in town reviewed it and provided input, they contacted them and found out that one of them had not seen the ordinance and the other had been given the ordinance but had not read it before it was taken back. He said he furnished the Council with three legal cases decided by superior courts in Pennsylvania and Minnesota that number limitations violated constitutional rights of citizens, Tulsa is currently considering a major revision to their animal ordinance. Based on these court cases presented by the Texas Animal Rights Coalition, Plano and Big Springs, Texas, city attorneys and councils decided not to have numbers and limitations on pets. The ordinance was also reviewed by the American Dog Owner's Association, a local attorney and the Texas Coalition.

The ordinance is ambiguous, impugns the civil liberties of many Lawton citizens by various restrictions to include number of limitations, seizures of animals, coming onto property and other areas. He said the ordinance takes authority from the City Council, the citizen's representatives, and turns it over to the City Manager in some cases. He and others he has talked to felt that animal control for the City of Lawton should be more concerned with nuisance; stronger ordinance

towards nuisance, sanitation, strays, abuse and viciousness, which is not statistically supported by number limitations. Currently as written a person can have 2 pot bellied pigs and 3 dogs or cats, or a combination of dogs and cats plus 12 small animals, rabbits and fowls for example. Not everyone does the things they do with their pets but most care for their animals and keep their yards clean with respect to their neighbors.

This ordinance allows for transfer of animals to a local adoption organization with no fee, back door transfer of city property; animals from city property transferred to VAPS which is a non licensed, non insured, non bonded volunteer organization, he said he knew this because he had been a member of VAPS, with members that own over the limits of cats and dogs. It has homes listed as VAPS rescue homes when in fact some of these people do not rescue. He said he was looking at why one group of people was somewhat favored and another group not. He quoted Bill Baker as saying that the City closes its eyes to VAPS. Koch said VAPS has some places that are not rescue homes, in fact they just have numbers of animals, there have been 80 transfers of animals in the past year for placement. He said with this transfer if someone were injured by an animal placed by VAPS it is conceivable they could sue the City for supporting VAPS by allowing this to happen.

He said they work with the National Rescue Directory with licensed and insured or bonded organizations for rescue. Perhaps they may be allowed to have a kennel license but if that were the case he wouldn't want it to include the specifications of a kennel as listed in the ordinance because of the harm it would be to pads, bones, ligaments and hips. He said he thought Dr. Joe Kiehn could attest to that as well.

He said he and others would be willing to serve on a committee to resolve some of these existing differences concerning this ambiguous ordinance. Some people have said that the military is part of the problem concerning the disposition of pets and proposed a liaison between Ft. Sill and the City to be established to develop guidelines for military personnel and their families regarding pet ownership as part of military in-processing briefings at Ft. Sill. He said as a retired field grade officer he would be willing to volunteer to make this happen.

He said the elderly parents of friends of his were placed in a nursing home and could not have their three dogs with them so his friends took them in as opposed to putting them to sleep which gave them 5 dogs within the ages of 10 to 18 years of age. Because of the ordinance his friends were afraid of being reported and having the dogs seized by animal control, they converted their garage to provide everything needed for the five dogs and because of their intense fear they would not let more than one dog out at a time so no one would know they had 5. They eventually sold their home and moved away from Lawton.

He asked why ordinances such as this are designed to cause their citizens to be fearful of the city government that should be serving them and helping citizens. They should be embodied as a group working in harmony with each other rather than being on opposite sides of the fence. He thanked the Council members for the opportunity to speak.

Green left the meeting during the previous presentation.

Williams asked if Mr. Koch felt there should be no limit on the number of animals a person can have.

Koch said it violates their civil liberties, and thought that Mr. Cruz should have received a letter from a local attorney today and if not should be getting it shortly. He said this has been reviewed by the legal department of the American Dog Owner's Association and by the Texas Coalition and they are just asking that they not impugn their civil liberties based upon the fact that they have a few people that are not responsible. He said they would join them and form a committee to review these actions if necessary to bring these people under control and to educate but asked they not come shooting at the rest of them.

Williams asked if he owns some animals and if he could ask how many he owns. Koch said no he could not ask, he would not say whether he had 3 animals or over that limit at this time.

Williams asked if Koch also trains other peoples dogs. Koch said he has trained some others, he trained his own and has a professional handler that helps him train and show. He said he shows one of their dogs but does not show his champion and named the many states they have been in to show and they have a lot of money. He said if they wanted to buy his champion they would be talking between \$15,000 and \$20,000 and he wouldn't let any of his dogs go for any amount of money.

Williams said even though the people present are responsible owners there are people they will have to deal with as far as some number.

Koch said they don't have to deal with them with a number, they have to deal with them on stronger nuisance, sanitation and abuse type regulations because that is what the problem is. If there is one dog in the neighborhood that yaps all night he would probably want to strangle it, if there is a cat running loose that's going to scratch his car he will want to find out who that owner is because he is going to suit them for liable to fix his car, that is what needs to be looked at, it is not the numbers, they cannot statistically say that it is the numbers. Koch said if they were to site Jack Moortel then maybe they could site him and some of the other VAPS people that own animals like Michelle Norton who has 13 and is protected by VAPS.

Mayor Marley said they don't need to go into that.

Koch said he apologized, he came here with the intent of asking for their help because the number limitation is not the solution; nuisance, abuse, sanitation, viciousness and strays is the problem and they would help to educate these people.

Warren asked Cruz if the Oklahoma State law gives the city's the right to set a number on the amount of animals they can have in a household.

Cruz said there is no provision in the State law as far as numbers.

Dr. Joe Kiehn, 7911 Folkstone Way, said he knows that Mr. Koch talked about several items and a lot of things that are important. He said there are cases in Pennsylvania, Colorado, Minnesota, etc. that have all found the dog limit unconstitutional and a violation of your civil liberties. He said he has to assume this information was given to the staff doing the ordinance. When they found out the ordinance was going to be written they asked to meet with them to give them some of their input, that did not happen, it sat in the attorney's office for a month. He said Mr. Beller found out what was going on and the next thing they know they are told it will be on the agenda in a week with no input or anything, they didn't want any input. He said Cruz referenced a committee they had several years ago to redo the ordinance, the committee came up with a recommendation and it was trash canned, the ordinance was not put into effect, as he recalled, Debbie Jones, the Mayor and Mr. Owens, the Animal Welfare Supervisor at that time, redid the ordinance and it was passed according to their revision, the committee's recommendations weren't even considered.

He said the other day he heard a news item by an attorney who said if five states have a law that is found unconstitutional in one state, it is void and invalid in any state because it is a violation of their civil rights. He said this is something the Council really needs to look at because he sat up there, was sued personally for \$32 million on the cable vision law suit and the Council will lose a little sleep over it. The only two ways the Council can be sued is through a tax payer demand and a violation of someone's civil rights and that means they are personally liable. He said he doesn't feel they had been given, by the legal staff, all the input they should have gotten. Looking back at what he found out afterwards, they met with their high dollar legal attorney and she said it doesn't matter whether you are guilty or not it is how much money they are going to get and he had asked where their city attorney was because he would go back and ask that gentleman that same question. Essentially the Council doesn't have to worry about the staff, Mr. Schumpert or the legal staff being sued, it is their own personal risk if they violate someone's civil liberties, he didn't want to see anyone get sued.

He said some of the things that were touched on, which were pretty offensive, he didn't think there was any animal control officer anywhere that should be given the authority to enter anyone's personal property and take an animal. He said the police have to have a warrant, if they try to go in and seize without a warrant it is thrown out of court as inadmissible; if they illegally obtain, through seizure, an animal from someone's property, even if it is undernourished, if they illegally obtain that evidence it will be thrown out of court. He said an animal control officer should not have any more powers than a police officer. He said under the kennel definition if they have 4 or more it is a kennel and they have to meet all the kennel specifications, when you go to the kennel specifications most of the zoning requirements prohibit having a kennel. He said when he built his clinic in 1978 he wasn't allowed outside runs, they were prohibited, everything had to be enclosed. If a commercial establishment can't get an outside run how can a citizen get an outside type kennel approved. He said a gentlemen in New York said the city has to prove that more than 3 dogs or cats is a nuisance, threat or health to the well being of human life, whatever. In these cases that were settled, the ruling was that you had to go on a case by case basis, you have one person with an animal they don't take care of maybe it needs to be taken away from them and charges filed. He said he had many people in his practice that had more than 3 animals where they could go to their house and leave without knowing they had more than 3 animals, they are taken care of better than a lot of children are, in fact a lot of these people don't have children, the animals are their children. He said the city had to prove there was a problem with 3 or more animals and in these other cases they couldn't prove it and lost, some of them went through 3 appeals and the 3 dog limit was ruled unconstitutional. He said he doesn't want to see the Council get into a legal battle down the road because of this.

He said a veterinarian has to buy the euthanasia solution for the City of Lawton, Dr. Kelsey did it for years, a friend of his did it and when he asked him if he knew that if something were to go wrong he would be legally responsible he quit doing it and another gentleman did it and he woke up. They went to Dr. Haney, wanting him to furnish the euthanasia solution and he called the Oklahoma Bureau of Narcotics and Dangerous Drugs and they told him it wasn't illegal but that he would be 100 percent responsible for every bottle, every drop of the euthanasia solution. He said there are two court cases pending, one in Oklahoma City and one in Bartlesville and the only person getting sued is the veterinarian because he is 100 percent responsible. If it isn't in your locked cabinet under your direct supervision you have no control and one area the city will have a problem with is that there isn't going to be anyone willing to furnish the euthanasia solution unless they contract with someone to do that type of service. He said this is a legal problem and he wouldn't send it down there for someone who could kill himself, it has been done, he knows of cases in Texas where people euthanized themselves with a veterinarian's euthanasia solution, it has to be under lock and key.

He said there are a lot of different items in the ordinance that are very vague and repetitive. One of the gentlemen he spoke to told them it was probably the biggest mess he had ever had faxed to him as far as an ordinance was concerned. He said they have selective enforcement of the 3 animal, 3 dog limit. He knows of a black family across from Gibson's that had 5 dogs who were forced to give up 2. The individual was told that they didn't think his commanding officer would like to hear from them and that is threatening and out of line on the part of the animal shelter personnel, or ACO's. He said one of the Council members has 4 dogs and he didn't think they had been knocking on his door trying to get him to give up one of his pets. He said the whole point was that selective enforcement was discrimination and he didn't want to see the

Council get into a situation of discrimination, letting VAPS people have 10 animals was discrimination against him, he can't have that many and if they overlook it it may be okay but if they are going to recognize one organization what would keep someone else from starting up an organization and say they are going to recover and adopt animals, they could use that as a cover to have more animals. The whole point is they have to be consistent or they are discriminating. He said the ordinance needs a lot of work and asked how many of the ACO's are State certified to right tickets.

Shaw said it isn't a state requirement for Animal Welfare Officers to be certified in order to write tickets.

Kiehn said in regard to the kennel requirements if you put a dog on concrete you are going to destroy the animals legs and hair coat, it will have callouses and will not be a show animal. He said most show animals live and stay in the house, it would be cruel and inhumane to put them out on the concrete when they are used to a featherbed. He said they really need to look at the issues, he didn't want to see the Council get into a situation where they wish they would have done something different.

Christian Koch, 7210 SW Oxford, said the ordinance needs to reflect the upcoming change in the Oklahoma State law governing quarantine which has been found to be unconstitutional according to the state legal team. She said she was informed by Tim Graves of the Oklahoma State Health Department that the new law governing quarantine in the case of animal bites will go into effect upon the signature of the Governor. The reason for the change is that the State of Oklahoma legal team has found that it can't take away someone's animal or make the owner quarantine the animal in certain bite cases so the new law will therefore allow home quarantine. In August 1996 the City of Duncan recognized that the current State laws were unconstitutional after conferring with the Oklahoma State legal team and Duncan passed an amendment to its ordinance to allow home quarantine. She said the Lawton ordinance needs to reflect this upcoming change in the State law and allow home quarantine. If the State of Oklahoma legal team has agreed that it cannot violate an individual's rights by forcing an owner to give up or turn over his animals, how can the city staff continue to do so.

Susan Ferguson said she would like them to remember service dogs and how they worked to help recover the people for the bombing in Oklahoma City. She said there are also therapy dogs to be considered, one citizen, Mrs. Kiehn has a therapy dog and asked if the Council is asking her to give up her one dog because she has four dogs and Ferguson gave her a dog to train as a therapy dog. Therapy dogs are visiting hospitals, nursing homes and day care centers for older people and referenced medals and awards that have been given for therapy dogs.

Shanklin said he wanted to hear from the staff and the man who is out there facing this on a day to day basis.

Ihler said they have been down this road and have had this experience in the past with the storm drainage ordinance. He recommended the Mayor appoint a committee made up of staff members Mike Shaw and Rose Wilson, a couple citizens who are interested, a local veterinarian or someone from VAPS and perhaps Councilman Beller who has a great interest in this issue. He said when they did this with the storm water detention ordinance they had asked staff to prepare an ordinance that addressed all of the issues and that is an impossibility. He said they can't come back with an ordinance that is going to address all issues that everyone will be happy with unless they have all the parties involved. He said from a staff member's and director's position over this group, it is going to take a great inordinate amount of time from staff to try to come back with an ordinance without the input and help from the individuals they have heard from.

Shanklin said in defense of Ihler and staff he has gone through this on two different occasions, it was and still is impossible and they may need a completely different approach, but when they walk away from here there are going to be as many mad as there are glad regardless of what they do.

Purcell said Dr. Kiehn indicated that the ACO's should not go on any private property and asked how Kiehn would handle a situation where there is a dog running down the street terrorizing people, they call the Animal Welfare Division for help and the dog winds up on someone's porch, what is the ACO supposed to do in that case.

Kiehn said he didn't have trouble with them recovering the animal but didn't think they should look over your back fence and go get them. He said there is also another concern with food and water because he doesn't leave food or water outside for his dog, the dog can drink out of the swimming pool. He said the ACO's should be required to get a warrant or some type of legal document to get the animal and not just be able to pick it up and make the owner go through the process of proving he is innocent.

Purcell asked if Kiehn is referencing the requirement for his scenario or getting it from a back yard. Kiehn said from a back yard.

Beller said when they get into discussions in changing the ordinance the legalities should play a most important part because there are, on record, cases that have been adjudicated. They need to ask the City Attorneys to look into these adjudicated cases. He said they also use the word remanded and believes that means it goes back for further discussion but in some instances it has been adjudicated that you would be violating the civil liberties or the civil rights of these people and before they get into the numbers portion they need some sound legal advice of what legal grounds they are on when they limit the number, if they are putting themselves into a grey area they need to know it and when they discuss this in any committee they need good sound legal advice when they go to numbers.

Mayor Marley asked if anyone from the animal shelter would like to speak to the Council.

Shanklin said he would like to hear from Mr. Lopez because he can tell the Council what he runs into that the great majority do not understand.

Lopez said he has been an Animal Control Officer for almost 10 years for the City of Lawton and would answer any questions they may have.

Shanklin asked what his biggest concern is from what he has heard from the citizens and when he sees animals that haven't been taken care of, when there are those people where there are 6 or 7 animals that are being taken care of, can he find a ground by where they can smell. He said they can sniff gas smell everything else and if there is a certain indicator of aroma coming from someone's yard that could be used to shut him down. There has to be some way to do this other than with 40 pages, they need to simplify it where an ACO would know because they had a problem on South 6th where you could smell it for a block and a half and it took 2 months to get it shut down.

Lopez said there are problems with the ordinance. They don't go out with selective ticketing and harassment, he is sent wherever he is dispatched to. Then the dispatcher gets a call of dogs not being fed or too many dogs at a location he doesn't ask who gave it to the dispatcher or where it came from. If he gets to the location and it has a wooden privacy fence, he calls back with that information because they don't look over or through fences. If it is a chain link fence, they will look, and if they are in violation of the ordinance, they will talk to the residents about cleaning it up because the Health Department requires it to be raked and cleaned up daily and disposed of when the trash is picked up. If they have too many animals and they look small, he will ask them what the ages are to determine if they are under 6 months and if they are he informs them that when they become 6 months old, they will need to only have 3 animals. He said there are a lot of problems especially with the running strays because they will get calls of dogs chasing children and biting their pants and when he gets there, the dog may be sitting on a porch. He said there is this citizen that is mad because her child almost got bit but he can't do anything because the dog is sitting on a porch. He said he needs something to work with that is a happy medium between all of this. He said he concurs with Ihler that they need a little bit of everyone on the committee, put it together and work together. He said they want to work with the citizens of Lawton, that is who they work for, they are not just Animal Control and they do what they want, it is what they tell them to do and that is what they enforce.

Maples asked if there are some houses he goes to that have more than 3 animals and they are well kept.

Lopez said yes, when the ordinance was changed a few years ago where they took the chaining law off he saw people that had spent a lot of money to have their animals on runs with a chain and as the animal grew they enlarged the collar and allowed the animal to run. When the ordinance was changed with no more chaining he had to enforce it and the citizens would show him the expense they had gone to but he had to enforce the law. He said there are some people who have one animal and can't take care of it and others who have 4 or 5 and can. He said everything is done on a one to one basis, he doesn't tell them how it will be, he looks at the situation, talks with the people and tries to work with them.

Shanklin asked if he has to be a judge on the spot.

Lopez said he has to take them for their word, he has gone to a house, especially where cats are located, and asked how many cats they had, they have told him they had 2 and you can smell them for half a mile and have gone to a house where they had to pull 32 animals. He doesn't know what to do, some people take care of them and some don't.

Beller said he has impressed him with more good common sense as a staff member than he has heard in a long while, he has talked about working with the people and doing what he thinks is good common judgment and commended Lopez.

Purcell said there was an accusation that they have selective enforcement which seems to be a big thing going around. He said he doesn't believe there is selective enforcement when Mr. Lopez is told to go to a particular location because of a problem and enforces that because they received a phone call but doesn't go to the house on the other side of town because no one has called and no one knows about it. He said he doesn't believe that is selective enforcement in this area or any other area. He said they can not enforce everything going on, it would be like asking why the police don't arrest everyone who is going 5 miles an hour over the speed limit because they don't see everyone going that speed. He said this is a myth about selective enforcement, Mr. Lopez just put a kibosh on that because that is very important.

Maples disagreed with Purcell and said they will take that to a test tomorrow because they will see if they go out to a few of those homes that have been made issue of here tonight. She said she would provide some addresses and they can go look and can see if they get the right enforcement.

Kiehn said there are people out there they know are in violation but they aren't going to them and enforcing it and the VAPS people are part of that.

Shanklin asked if that is the only one Kiehn is talking about where they are selectively enforcing the ordinance.

Kiehn said not necessarily, they are not knocking on Mr. Dutcher's door and he has 4 dogs.

Schumpert asked if Kiehn is telling them that he wants to complain about Mr. Dutcher.

Kiehn said no he isn't complaining.

Schumpert said he doesn't know how they can make it any clearer that the way they enforce the Codes of the City of

Lawton, as they do junk cars and many other ordinances, is for a citizen to call the City. When a citizen calls they don't really consider the complaint, they consider information and if it is an animal an ACO goes out, if it is high weeds and grass a Building Development inspector goes out and if they deem that it is in violation of the ordinance they file on the individual or take the appropriate action. He has had people call and tell him they need to do something about a situation and he informs them that if they will tell him the address they will not tell the people who they are, and they do not, and they will go out and check it but the citizen won't provide the address. He said he has to tell them they can't check unless they provide an address to check whether it is for weeds and grass, animals, etc. He said Council member Maples is going to give them some addresses and they will go out and check those addresses.

Kiehn said from the statement Schumpert has just made, unless there is a complaint it should be a case by case deal and if this person has 4 cats in their house and they aren't hurting anyone there won't be a complaint, so the limiting is wrong because it should be a case by case basis.

Koch said Mr. Shaw turned in a complaint of barking dogs near Gibson's where a person had over the limit of dogs, and if you get close to the house they will bark but if they were barking more than that the Animal Control would have gotten a complaint. The people have owned the house since 1987 and have lived in it this time for over 3 years. Koch said he has been at that house twice and the dogs bark when a stranger gets near but they stop within a minute or two.

Shanklin said in defense of the staff, if Shaw is the one in charge of it and sees someone in violation of their ordinance if he doesn't check into it, who in the world is, there are two sides of the coin.

A citizen, identifying himself as Bob, said he couldn't find out what the rules and regulations were for dogs, especially during the summer time when a dog is in a portable pen of a big yard. He said he didn't know if shade is included because all he has been told is that as long as the dog has shade from a dog house in the pen it is legal and it can be 103 or 104 but there is nothing said about shade. He said he had called on a dog three or four times and didn't call last summer, the heat went up to 115 , the dog was picked up on August 24, at about 4:00 p.m. and that is the only thing he could see that killed that dog, which was only about 2 years old, and had very little water or food. He asked if they were making the ordinance where the dog would be provided shade other than a dog house because shelter and shade are two different things. This was a portable pen and it didn't have any shade and would get real muddy which wasn't any good either. He said there wasn't anything the Animal Control Officer could do about it and he couldn't go over there because it was private property.

Mayor Marley said they were discussing shade earlier and shade should be provided a further definition later in the ordinance.

Moray Lagreen said it is not the number of dogs, it is one individual and it seems that most of problems are with individuals with one dog and each case should be treated individually by everybody.

Schumpert said there seems to be a consensus that because of the number of problems it is being suggested that a task force or committee be formed of the various entities to look into this, discuss shade, animals in confined spaces and a lot of other things.

Maples said Lopez has helped them out several times. They had a Rottweiler that got out no matter what they did and Lopez drove by one day when they were out looking for it and they were able to locate the dog. If you contact the Animal Shelter and let them know your dog is missing, if you have registered it they will call you when they find the dog, if they are driving around the neighborhood and find the dog they know where to take it and they have helped them out many times.

Mayor Marley asked the pleasure of the Council.

Beller said they need to take it back and get some input from the citizens. He said one of the main things they need is the legality issue of the numbers as to whether they can or cannot do it and work together to come up with an ordinance to please both sides.

Shanklin said he would like to see them cut the 40 pages down.

Cruz said in reference to the numbers and the constitutionality, there is no decision as far as he knows in the United States that says it is unconstitutional for a municipality to provide a limitation of the number of dogs in your locality. He said the cases he has read, to include those provided, the Supreme Court basically stated that the trial court held that this was a violation of that city code because there were three dogs on the property. The court instructed them to go back, and determine the municipality's concern as to whether the States interest in protecting its citizens could be justified by saying 3 dogs is the maximum, it does not say you cannot have 3 dogs or 100 dogs. The city council has to look out for the health, safety and welfare of their community and determine, based on the data information received from the public and staff, whether they have found from their experience that if they have 3 dogs or animals in one place it has been a cause for a lot of droppings, it is unhealthy, and so on and if that is sufficiently demonstrated then the Supreme Court said that is a rational basis for enacting that ordinance. That is the basic theory of the discussion of the cases he has read to include those that were provided by the citizen, Dzialo and those they have gone through in the CD ROM and in their research for the past 6 months.

Mayor Marley said they are going to put the ordinance together to hopefully match everything the citizens, the ACO's and

Animal Welfare people desire and will be effective for the City, and regardless of what that particular legal aspect will be they will get it worked out one way or the other.

Shanklin said he is still concerned over the legality as he believed the rest of the Council is also. He said he was more concerned with the health aspects, they should demand that citizens clean their yard, if they have 2 or more animals, every day and by regulating the barking along with the stray animals they would eliminate 90 percent of the problem.

Purcell said everyone keeps talking about the Supreme Court and they are not talking about the U.S. Supreme Court, they are talking about a State Supreme Court and because that state under that Supreme Court their law provides certain things but it is not binding on any other state. Cruz said that is correct.

MOTION by Maples, that the Mayor appoint a task force consisting of Dr. Kiehn, Mr. Koch and some staff to review this ordinance and to bring it back to Council when they can come up with a majority agreement.

Cruz said that motion would be inappropriate and suggested the Council members make that recommendation to the Mayor and bring it back.

Mayor Marley said he would do that on behalf of the Council and recommended to table the items.

Maples said they should table it until they come back with a reasonable ordinance.

Shanklin said the only problem he sees is that it is 40 pages, they don't know it themselves, the citizens only know certain aspects that pertain to them and the people in the audience are the ones taking care of their dogs. He said they have to figure out a way to get to those who don't and that is the health, barking and running wild.

Mayor Marley said as Mr. Koch said seizure on property, nuisance and sanitation, are is the basic issues for all the discussion, the small things they talked about earlier are really not a major issue. He said he will appoint such a committee and will accept a motion from the Council.

MOTION by Shanklin, SECOND by Beller, to table this item until a later date when the committee can bring back an ordinance.

Mayor Marley said he will give the committee a time limit.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

2. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending fees relating to animals. EXHIBITS: RESOLUTION NO. 97-.

Schumpert recommended, based on tabling of the first item, that item number 2 be extended until that time. Mayor Marley said they would have been together. Cruz said they are both tabled.

There was no further business and the meeting adjourned at 8:00 p.m.